IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2921 OF 2006

Nishith Vaikunth Lakhlani
and Ors. .. Applicants
Versus
State of Maharashtra .. Respondent
and
Jignasa Nishith Lakhlani .. Orig.Compt.

Mr.M.S.Mohited for applicants
Mr.P.A.Pol, A.P.P. for state
Mr.Ashwin Shete for Orig.Complainant.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 16th August 2006

P.C.

. In this application for anticipatory bail preferred on behalf of the husband and the mother in law, on a complaint made by the wife of the first applicant, Mr.Mohite appearing for the applicants and Mr.Shete appearing for the intervenor wife, jointly state that in the

pending Matrimonial Litigation between first applicant and the intervenor wife, consent terms are arrived at, inasmuch as, they have agreed to mutually dissolve the marriage. The arrangement inso far as payment of permanent alimony and handing over of Stridhan and articles is recorded in these terms. Both sides agree that pending petition for divorce shall be converted into petition for divorce by mutual consent under section 13B of Hindu Marriage Act, 1955 and appropriate orders will be sought thereon from the Family court.

2. In the light of this agreement, both sides agree that this court should exercise its inherent powers under section 482 of Cr.P.C. and apart from granting pre-arrest bail in favour of the applicant, quash the main proceedings.

3. Such course of action was permitted by the Supreme Court in a decision reported in 2003

(4) S.C.C. 675. Following this judgement and in the light of the agreement arrived at by the parties for dissolution of marriage itself so also withdrawing all allegations against each other including the in-laws and accepting the sum offered in full and final settlement, all proceedings in C.R.No.277 of 2006 registered with Borivali Police Station shall stand quashed.

4. The consent terms are taken on record and marked "X" for identification. Order in terms of consent terms. Parties to now appear before the concerned family court and the family court to pass appropriate orders thereon, in accordance with law. Undertakings of both parties are accepted. This order is passed in the presence of both, applicants and intervenor wife so also the Assistant Public Prosecutor appearing for State. It is passed in peculiar facts and circumstances of this case.

(S.C.DHARMADHIKARI, J)